United Nations

AT

Administrative Tribunal

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ADMINISTRATIVE TRIBUNAL

Judgement No. 753

Case No. 742: MAQARI

Against: The Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Samar Sen, President; Mr. Hubert Thierry, Vice-President; Mr. Francis Spain;

Whereas, on 14 March 1995, Ibtisam Musa Maqari, a former staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as "UNRWA"), submitted, under article 12 of the Statute of the Tribunal, an application requesting clarification of Judgement No. 681, rendered by the Tribunal on 11 November 1994;

Whereas the pleas of the application read, in part, as follows:

"...

[That the Tribunal should indicate whether its]

3. ... judgement implicates, *ipso jure*, [the] rescission of the contested decision ...

...

6. [The Tribunal should order that] any payment in local currency [be] based on the United Nations operational rate of exchange available at the time.".

Whereas the Respondent filed his answer on 19 June 1995;

Whereas the facts of the case were set out in Judgement No. 681;

Whereas the Applicant's principal contention is:

The Applicant is entitled to payment in United States dollars, at the United Nations operational rate of exchange available on the date of payment, of the compensation awarded by the Tribunal.

Whereas the Respondent's principal contention is:

The Applicant's submission does not comply with article 12 of the Statute of the Tribunal; it does not identify "the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal".

The Tribunal, having deliberated from 2 to 16 July 1996, now pronounces the following judgement:

I. The Applicant's claim is based on article 12 of the Statute of the Tribunal, which provides that an application may be made for a revision of a judgement on the basis of the discovery of some fact "of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision".

The Applicant does not identify, in this instance, any new fact within the meaning of article 12 of the Statute of the Tribunal of such a nature as to give rise to the revision of Judgement No. 681 of 11 November 1994, which ordered the Respondent to "pay to the Applicant compensation in an amount equal to two years of her net base salary as of the date of her separation from service".

The application is therefore not receivable.

II. The Tribunal also notes, for whatever purpose it may serve, that the above-mentioned terms of paragraph VII of Judgement No. 681 should not be interpreted as entitling the Applicant to the payment of compensation in a currency other than that in which her salary was paid, i.e., in this case, the Syrian pound.

III. The application is rejected.

(Signatures)

Samar SEN
President

Hubert THIERRY
Vice-President

Francis SPAIN
Member

Geneva, 16 July 1996

R. Maria VICIEN-MILBURN
Executive Secretary